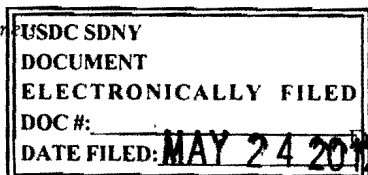


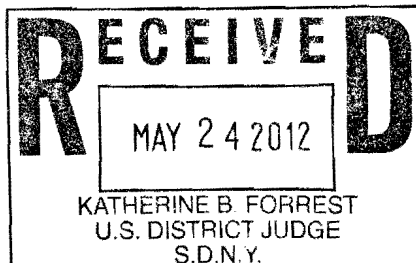
OUTTEN & GOLDEN^{LLP}

Wayne N. Outten
Anne Golden
Adam T. Klein
Laurence S. Moy
Kathleen Peratis
Justin M. Swartz
Jack A. Raisner
Wendi S. Lazar
Carmelyn P. Malalis
Tammy Marzigliano
René S. Roupinian

Advocates for Workplace Fairness



May 23, 2012



Allegra L. Fishel
Lewis M. Steel
Paul W. Mollica
Nantiya Ruan
Reena Arora
Yvonne D. Barros
Rachel M. Bien
Katherine Blostein
Molly Brooks
Cyrus Dugger
Cara E. Greene
Jennifer Liu
Ossai Miazad
Carmel Mushin
Melissa Pierre-Louis
Sandra Pullman
Michael Scimone
Dana Sussman
Amber Trzinski
Juno Turner
Elizabeth Wagoner

By Hand Delivery

The Honorable Katherine B. Forrest
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *Hernandez, et al. v. Merrill Lynch & Co. Inc., et al.*
No. 11 Civ. 8472 (KBF)**

Dear Judge Forrest:

We are counsel to Plaintiffs in the above-captioned matter. We write to respectfully request an adjournment of the deadline for completion of fact discovery in this matter. Fact discovery, which was set prior to the Court granting Plaintiffs' motion for conditional certification, is currently scheduled to close today. *See* ECF No. 13 (Scheduling Order).

The parties have been diligent in proceeding with discovery. Since the Court established the discovery schedule during the Court conference on January 27, 2012, we have exchanged document requests and interrogatories, and produced documents and responses to each. The parties have also held several meet and confer sessions regarding deficiencies and other discovery disputes. The parties continue this dialogue and will promptly bring any unresolved disputes to the Court upon reaching impasse. In addition, Defendant has deposed four of the six Plaintiffs. The parties are presently coordinating schedules for the remaining two Plaintiff depositions. On April 19, 2012, Plaintiffs served a Notice of Deposition pursuant to Fed. R. Civ. P. 30(b)(6). Plaintiffs are still awaiting dates from Defendants as to when their designated witness(es) are available.

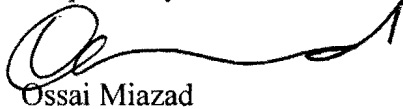
On April 6, 2012, the Court granted Plaintiffs' motion for conditional certification and notice pursuant to § 216(b) of the Fair Labor Standards Act ("FLSA"). On April 24, 2012, the Court resolved the parties' outstanding disputes regarding the content of the notice to members of the FLSA collective. Defendants produced a spreadsheet containing class member data on May 21, 2012. Plaintiffs intend to move expeditiously to send the notice out to the over one thousand current and former employees on the list. The Court approved a 60 day notice period. The opt-in period will therefore close after the current deadline for fact discovery to be completed.



A Court conference is currently scheduled for June 14, 2012. The parties respectfully request that the Court extend the current deadline for close of discovery and that the parties be permitted to submit a revised proposed discovery plan three days prior to the conference. Defendants join Plaintiffs in this request. No previous requests for extension of this deadline have been made.

We thank the Court for its attention.

Respectfully submitted,



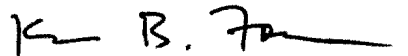
Ossai Miazad

cc : Bruce M. Steen, Esq. (by E-mail)
Philip A. Goldstein, Esq. (by E-mail)
Gregg I. Shavitz, Esq. (by E-mail)
Justin M. Swartz, Esq. (by E-mail)
Juno Turner, Esq. (by E-mail)

Denied. This application
comes too late. Discovery
will be extended for
3 weeks, to June 11, 2012

May 24, 2012

SO ORDERED:



**HON. KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE**